

FILED
Court of Appeals
Division II
State of Washington
8/16/2019 3:23 PM

No. 53620-0-II

IN THE COURT OF APPEALS
OF THE STATE OF
WASHINGTON
DIVISION II

KRIS BARRY KILBOURNE and BRIGETTE
LYNN KILBOURNE, and the community thereof,
Appellants,

v.

WASHINGTON STATE DEPARTMENT OF
RETIREMENT SYSTEMS,
Respondent.

ON APPEAL FROM THE SUPERIOR
COURT OF THE STATE OF WASHINGTON
FOR THURSTON COUNTY,
CAUSE NO. 18-2-03935-34

BRIEF OF APPELLANTS

Jensen Milner | Cap City Law PS
2604 12th Court SW, Suite B
Olympia, WA 98502

TABLE OF CONTENTS

Table of Contents.....	1
Table of Authorities.....	2
Assignments of Error.....	6
Introduction.....	6
Statement of the Case	7
Argument	9
1. Motions to dismiss must be granted sparingly and the facts alleged in the complaint must be taken as true.....	9
2. The clear legislative intent of RCW 41.26.470 was for DRS to oversee the LEOFF II program which includes automatic reinstatement of LEOFF II members following a determination made by DRS.	10
3. DRS failed to create rules or procedures to ensure the statute was effectuated.....	14
4. Mr. Kilbourne was deprived of a protected interest in his position with the City and he was denied a hearing and due process regarding this deprivation, which requires this matter to be remanded.	16
5. Mr. Kilbourne's rights under the Administrative Procedure Act ("APA") and Everett Municipal Code ("Everett Code") were also violated.....	19
Conclusion	21

TABLE OF AUTHORITIES

CASES

<i>Bd. of Regents v. Roth</i> , 408 U.S. 564, 576 (1972)	17
<i>Budget Rent A Car Corp. v. Washington State Dept. of Licensing</i> , 100 Wash.App. 381, 997 P.2d 420, reconsideration denied, review granted 142 Wash.2d 1007, 16 P.3d 1263, remanded 144 Wash.2d 889, 31 P.3d 1174 (2000)	14
<i>Bullo v. City of Fife</i> , 50 Wn. App. 602, 607, 749 P.2d 749, 752 (1988).....	17
<i>Clallam County Citizens for Safe Drinking Water v. City of Port Angeles</i> , 137 Wash.App. 214, 151 P.3d 1079 (2007)	9
<i>Cleveland Bd. of Educ. v. Loudermill</i> , 470 U.S. 532, 538–39, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985), cited by <i>Nunez v. City of Los Angeles</i> , 147 F.3d 867, 871 (9 th Cir. 1998)	17
<i>Deegan v. Windermere Real Estate/Center-Isle, Inc.</i> , 197 Wash.App. 875, 391 P.3d 582 (2017)	9
<i>Food Servs. of Am. v. Royal Heights, Inc.</i> , 123 Wn.2d 779, 784, 871 P.2d 590, 593 (1994).....	11

<i>Goodisman v. Lytle</i> , 724 F.2d 818, 820 (9th Cir.Wash.1984), cited by <i>Nieshe v. Concrete Sch. Dist.</i> , 129 Wn. App. 632, 642, 127 P.3d 713, 718 (2005).	18
<i>Green River Community College, Dist. No. 10 v. Higher Ed. Personnel Bd.</i> , 95 Wash.2d 108, 622 P.2d 826, modified on rehearing 95 Wash.2d 962, 633 P.2d 1324 (1980)	14
<i>Hama Hama Co. v. Shorelines Hearings Bd.</i> , 85 Wash.2d 441, 448, 536 P.2d 157 (1975).	15
<i>Indep. Enter. Inc. v. Pittsburgh Water and Sewer Auth.</i> , 103 F.3d 1165, 1179 (3rd Cir.Pa.1997).....	16
<i>Kumar v. Gate Gourmet Inc.</i> , 180 Wash.2d 481, 325 P.3d 193 (2014).....	9, 10, 20
<i>Loudermill v. Cleveland Bd. Of Educ.</i> , 844 F.2d 304 (1968).....	16
<i>Luellen v. City of Aberdeen</i> , 20 Wash.2d 594, 148 P.2d 849 (1944)	17
<i>McKinney v. Pate</i> , 20 F.3d 1550, 1559 (11th Cir.1994).....	16
<i>Parker v. Taylor</i> , 136 Wash.App. 524, 150 P.3d 127 (2007).	10
<i>Punton v. City of Seattle Public Safety Com'n</i> , 32 Wash.App. 959, 650 P.2d 1138, review denied (1982).	17
<i>Soundgarden v. Eikenberry</i> , 123 Wn.2d 750, 768, 871 P.2d 1050, cert. denied, 513 U.S. 1056 (1994).	16

<i>Stone v. Chelan County Sheriff's Dep't</i> , 110 Wash.2d 806, 810, 756 P.2d 736 (1988)	11
<i>Ticeson v. Department of Social and Health Services</i> , 19 Wash.App 489, 494, 576 P.2d 78, 82 (Div. 1 1978)	16
<i>Tommy P. v. Board of County Comm'rs</i> , 97 Wash.2d 385, 391, 645 P.2d 697 (1982).	11
<i>Ulrich v. San Francisco</i> , 308 F.3d 968, 975 (9th Cir. 2002).....	16
<i>Washington Utilities & Transp. Comm'n v. Advanced Telecom Grp., Inc.</i> , 19, 2004 WL 3159258 (Wash. U.T.C. Dec. 22, 2004).	17
<i>Yurtis v. Phipps</i> , 143 Wash.App. 680, 181 P.3d 849, reconsideration denied, review denied 164 Wash.2d 1037, 197 P.3d 1186 (2008)	10

STATUTES

RCW 34.05.310.....	14
RCW 34.05.413(2)	19
RCW 34.05.413(4)	20
RCW 41.12.030.....	19
RCW 41.12.040(1)	19
RCW 41.12.040(5)	19
RCW 41.26.....	12

RCW 41.26.020	12
RCW 41.26.470(2)	13, 15, 18, 20
RCW 41.50.030	12
RCW 41.50.055(6)	12
RCW 41.50.132	12
RCW 41.50.139	12
RCW 41.50.55	12
RCW 51.50.110	12

OTHER AUTHORITIES

Title 51 RCW	13
--------------------	----

INTRODUCTION

This matter involves a former City of Everett police officer Kris Kilbourne ("Mr. Kilbourne") who was injured on the job in 2006. Mr. Kilbourne's injury caused him to be disabled since he was no longer able to perform the essential functions of his position.

As a Law Enforcement Officers' and Fire Fighters" Plan II member ("LEOFF II" Member), Mr. Kilbourne was entitled to automatic reinstatement to his previously held position under RCW 41.26.470 if or when the Washington Department of Retirement Systems ("DRS") determined he was recovered and eligible for reinstatement. Eventually Mr. Kilbourne did recover at which point DRS determined Mr. Kilbourne was eligible for reinstatement. DRS failed to communicate this determination to the City. Because the City was unaware of DRS's determination, the City failed to automatically reinstate Mr. Kilbourne, or give him a chance to appeal or to be heard.

ASSIGNMENT OF ERRORS

1. Statement Regarding Assignment of Errors

- a. The trial court erred in determining that RCW 41.26.470(2) does not obligate DRS to inform a

LEOFF 2 member's public employer of DRS's determination that the member is no longer eligible for duty disability retirement benefits, which resulted in Mr. Kilbourne not being reinstated as required under the statute.

2. Issues Regarding Assignment of Error

- a. Did the trial court err in granting a CR 12(b)(6) Order of Dismissal on an issue involving whether a public agency is required to communicate its determination to a public employer in order for a statute to be fully implemented? Yes.

STATEMENT OF THE CASE

Mr. Kilbourne began employment as a police officer with the City of Everett (the "City") on or about October 27, 1987. CP 77-81 at 77. As a city employee, Mr. Kilbourne was enrolled in the LEOFF II plan. *Id.* On or about March 8, 2006, Mr. Kilbourne was injured on the job. *Id.*

Between 2006 and 2012 Mr. Kilbourne was unable to work due to his work related injury and subsequent medical treatment. *Id.* Mr. Kilbourne had multiple surgeries and other treatments to

address his injury so he could eventually be cleared to return to work and reinstated. *Id.* On or about January 7, 2011, Mr. Kilbourne told the City that his doctor indicated he would likely heal within the next two years. The City told Mr. Kilbourne they would hire him back if he did heal.

On or about June 14, 2012, Mr. Kilbourne was officially released to return to full duty work as a police officer by his attending physician and by an independent medical examination physician. CP 77-81 at 79. Mr. Kilbourne sent a series of letters to the City stating he had been released to return to work and asking to be reinstated. *Id.* On August 1, 2012, the City sent a letter to Mr. Kilbourne stating the City “does not plan” to reinstate him but that he was “eligible to reapply” for a lesser position. *Id.*

On September 24, 2012 DRS approved a limited time disability claim for Mr. Kilbourne, which applied retroactively for the period of February 1, 2011 to June 30, 2012. CP 77-81 at 79. DRS also advised Mr. Kilbourne that his benefits were ending because of DRS’s determination that he could return to work. *Id.* DRS then ended Mr. Kilbourne’s benefits because he was released to return to work. *Id.* DRS failed to communicate this

determination to the City who, as a result of DRS's failure to communicate the determination, did not automatically reinstate Mr. Kilbourne per the statute.

ARGUMENT

1. Motions to dismiss must be granted sparingly and the facts alleged in the complaint must be taken as true.

Dismissal for failure to state a claim upon which relief can be granted is only appropriate if it appears beyond doubt that the plaintiff cannot prove any set of facts that would justify recovery.

Clallam County Citizens for Safe Drinking Water v. City of Port Angeles, 137 Wash.App. 214, 151 P.3d 1079 (2007). On review of a motion to dismiss, the Court of Appeals regards the plaintiff's allegations in the complaint as true and considers hypothetical facts outside the record. *Deegan v. Windermere Real Estate/Center-Isle, Inc.*, 197 Wash.App. 875, 391 P.3d 582 (2017).

For purposes of a motion to dismiss, a plaintiff states a claim upon which relief can be granted if it is possible that facts could be established that would support relief. *Kumar v. Gate Gourmet Inc.*, 180 Wash.2d 481, 325 P.3d 193 (2014). In undertaking such an analysis, courts must assume the truth of facts alleged in the

Complaint, as well as hypothetical facts, viewing both in the light most favorable to the nonmoving party. *Id.*

A trial court's decision to grant a motion to dismiss for failure to state a claim is a question of law, and is reviewed de novo, *Yurtis v. Phipps*, 143 Wash.App. 680, 181 P.3d 849, reconsideration denied, review denied 164 Wash.2d 1037, 197 P.3d 1186 (2008), and the Court of Appeals reviews a trial court's dismissal for failure to state a claim based on a statutory interpretation issue de novo. *Parker v. Taylor*, 136 Wash.App. 524, 150 P.3d 127 (2007).

DRS failed to meet the burden to establish Mr. Kilbourne could not prove any set of facts that would justify recovery, including the facts surrounding the issue of whether the City should have received notice from DRS of its determination that Mr. Kilbourne was eligible for reinstatement. The trial court's dismissal for failure to state a claim was also based on a statutory interpretation issue, which is reviewed de novo.

2. **The clear legislative intent of RCW 41.26.470 was for DRS to oversee the LEOFF II program which includes automatic reinstatement of LEOFF II members following a determination made by DRS.**

The general principle of a court's analysis of a statute is to carry out the legislature's intent. *Food Servs. of Am. v. Royal Heights, Inc.*, 123 Wash.2d 779, 784–85, 871 P.2d 590 (1994). Courts must give effect to legislative intent as determined “within the context of the entire statute.” *Elgin*, 118 Wash.2d at 556, 825 P.2d 314; *State ex rel. Royal*, 123 Wash.2d at 459, 869 P.2d 56. Statutes must also be interpreted and construed so all the language used is given effect, with no portion rendered meaningless or superfluous. *Stone v. Chelan County Sheriff's Dep't*, 110 Wash.2d 806, 810, 756 P.2d 736 (1988); *Tommy P. v. Board of County Comm'rs*, 97 Wash.2d 385, 391, 645 P.2d 697 (1982).

If a statute is unambiguous and plain on its face, courts should enforce the statute as written. *Food Servs. of Am. v. Royal Heights, Inc.*, 123 Wn.2d 779, 784, 871 P.2d 590, 593 (1994). If a statute is unambiguous, its meaning is to be derived from the language of the statute alone, but if the statute's intent is not clear from the language of the statute by itself, courts may use statutory construction, including a consideration of legislative history. *Id.*

The legislature's stated purpose of RCW Chapter 41.26 is to provide an "actuarial reserve system for the payment of death, disability, and retirement benefits to law enforcement officers and firefighters, and to beneficiaries of such employees, thereby enabling such employees to provide for themselves and their dependents in case of disability or death, and effecting a system of retirement from active duty." RCW 41.26.020.

All powers, duties, and functions of the LOEFF program are designated to DRS. RCW 41.50.030. The duties of the DRS Director includes administering LEOFF, which requires adopting "such rules and regulations . . . for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the system . . ." RCW 41.50.55.

DRS is also required to "perform such other functions" as are required for the execution of the provisions of the statute, and to perform "any other duties" prescribed in the statute. RCW 41.26. This includes notifying employers of expenses of administrative fees (RCW 51.50.110), corrections of erroneous deductions or pick-up of contributions (RCW 41.50.132), overpayments due to status

reports by employer (RCW 41.50.139), and annual financial account statements of employee members (RCW 41.50.055(6)).

Any member who receives an allowance under the provisions of the LEOFF II statute is subject to such comprehensive medical examinations as required by the department. RCW 41.26.470(2). If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled "and the member shall be restored to duty in the same civil service rank." RCW 41.26.470(2).

Given this context and the plain language of the applicable statute, as well as the stated primary purpose of the statute, i.e., to provide a system for disabled employees to provide for themselves and their dependents and to restore disabled employees to service upon a determination of recovery so as to provide for themselves and their dependents, it is clear DRS failed in its duty by not having a rule or procedure in place for notifying Mr. Kilbourne's employer of its determination. This led to the primary purpose and clear legislative intent not being effectuated.

Although the City is the entity charged with actually restoring a member to duty, it is DRS who is charged with making the critical determination that the employee has recovered and therefore eligible for automatic reinstatement. It is also DRS who is charged with administering and overseeing the program. Because DRS is charged with overseeing the program as well as making the eligibility determinations, it is also DRS's responsibility for failing to do this in Mr. Kilbourne's case. This led to Mr. Kilbourne losing his entitlement for automatic reinstatement.

3. DRS failed to create rules or procedures to ensure the statute was effectuated.

To assist with ensuring a statute's purpose is fully effectuated, the Administrative Procedure Act (APA) states agencies may develop policy "either by" rulemaking or adjudication. *Budget Rent A Car Corp. v. Washington State Dept. of Licensing*, 100 Wash.App. 381, 997 P.2d 420, reconsideration denied, review granted 142 Wash.2d 1007, 16 P.3d 1263, remanded 144 Wash.2d 889, 31 P.3d 1174 (2000); RCW 34.05.310.

If necessary to ensure the effectuation of a general statutory scheme, agency rules are then used to "fill in the gaps." *Green River Community College, Dist. No. 10 v. Higher Ed. Personnel*

Bd., 95 Wash.2d 108, 622 P.2d 826, modified on rehearing 95 Wash.2d 962, 633 P.2d 1324 (1980); *Hama Hama Co. v. Shorelines Hearings Bd.*, 85 Wash.2d 441, 448, 536 P.2d 157 (1975).

Here, the language, context and legislative intent is clear and unambiguous that LEOF II members must be “automatically” reinstated once DRS has determined a member has recovered from a disability. RCW 41.26.470(2). However, unless DRS communicates its determination to the public employer the employer will not know the employee is ready for automatic reinstatement.

Because the court’s “fundamental objective” is to ascertain and carry out the legislature’s intent when considering issues of statutory interpretation, and because agency rules and adjudication are used to “fill-in the gaps” in order to effectuate a statute’s intent, Mr. Kilbourne was not reinstated due to DRS’s failure to ensure the necessary rules were in place.

Based on the clear statutory obligations and legislative intent, as well as the surrounding facts and circumstances which must be accepted as true for the purposes of defending against a

motion to dismiss, the lower court's dismissal must therefore be overturned.

4. Mr. Kilbourne was deprived of a protected interest in his position with the City and he was denied a hearing and due process regarding this deprivation, which requires this matter to be remanded.

The essence of due process is notice and the right to be heard. *Soundgarden v. Eikenberry*, 123 Wn.2d 750, 768, 871 P.2d 1050, cert. denied, 513 U.S. 1056 (1994). The statutory rights of LEOFF II members cannot be denied without due process. *Ticeson v. Department of Social and Health Services*, 19 Wash.App 489, 494, 576 P.2d 78, 82 (Div. 1 1978); *Loudermill v. Cleveland Bd. Of Educ.*, 844 F.2d 304 (1968).

Procedural due process refers to the procedures the government must follow before depriving an individual of life, liberty, or property. *McKinney v. Pate*, 20 F.3d 1550, 1559 (11th Cir.1994). Substantive due process generally asks if the government abused its power by arbitrarily depriving an individual of a protected interest, or by basing the decision on an improper motive. *Indep. Enter. Inc. v. Pittsburgh Water and Sewer Auth.*, 103 F.3d 1165, 1179 (3rd Cir.Pa.1997); *McKinney*, 20 F.3d at 1558.

State laws and rules that provide benefits and claims of entitlement to those benefits create a property interest. *Ulrich v. San Francisco*, 308 F.3d 968, 975 (9th Cir. 2002); *Bd. of Regents v. Roth*, 408 U.S. 564, 576 (1972); *Washington Utilities & Transp. Comm'n v. Advanced Telecom Grp., Inc.*, 19, 2004 WL 3159258 (Wash. U.T.C. Dec. 22, 2004). An individual's actual job as a tenured civil servant is also considered a property interest. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 538–39, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985), cited by *Nunez v. City of Los Angeles*, 147 F.3d 867, 871 (9th Cir. 1998).

An individual's continued employment with a city's police department is a "property interest" under the civil service statutes. *Bullo v. City of Fife*, 50 Wn. App. 602, 607, 749 P.2d 749, 752 (1988). The "opportunity to be heard" must be provided to civil service employees including the right to meet with witnesses, to review evidence, and to have aid of counsel. *Luellen v. City of Aberdeen*, 20 Wash.2d 594, 148 P.2d 849 (1944). A police officer is denied due process when a department fails to provide a pre-termination hearing according to its regulations, which establishes elements of a substantive property interest. *Punton v. City of*

Seattle Public Safety Com'n, 32 Wash.App. 959, 650 P.2d 1138, review denied (1982).

State procedural protections also create a federally-protected interest if the protections are intended to be a significant substantive restriction on the decision-maker. *Goodisman v. Lytle*, 724 F.2d 818, 820 (9th Cir.Wash.1984), cited by *Nieshe v. Concrete Sch. Dist.*, 129 Wn. App. 632, 642, 127 P.3d 713, 718 (2005).

The state procedural protection in this case states that once a medical examination reveals that an individual who is receiving benefits under LEOFF II has recovered from an incapacitating disability, the individual “must be” restored to duty. RCW 41.26.470(2).

After receiving medical clearance Mr. Kilbourne had automatic state procedural protections, including the right to reinstatement. RCW 41.26.470(2). This created a protected due process interest in Mr. Kilbourne’s job as a tenured civil servant with the City. This position is also considered a property interest. The statutory protections implemented by the legislature were intended to be a significant substantive restriction on the City’s decision regarding Mr. Kilbourne’s reinstatement. Because DRS

failed to notify the City of its determination, this substantive restriction could not be effectuated and due process could not be afforded since the process was never triggered. This therefore not only violated Mr. Kilbourne's state statutory rights but it also violated his substantive and procedural due process rights, which warrants a remand.

5. Mr. Kilbourne's rights under the Administrative Procedure Act ("APA") and Everett Municipal Code ("Everett Code") were also violated.

The legislature created a Civil Service Commission ("Commission") to devote time and attention to issues involving city police and fire employees. RCW 41.12.030; RCW 41.12.040(1). The local Everett Civil Service Commission ("Everett Commission") is required to hear appeals from "suspensions, terminations and reductions in rank" involving police officers, Everett Municipal Code ("EMC") 2.68.020(6), and to make rules and regulations regarding these issues. RCW 41.12.040(1). The Commission is also charged with making investigations and reports on all matters involving enforcement of the applicable statute and to hold hearings. RCW 41.12.040(5) .

An "adjudicative proceeding" under the APA includes proceedings in which an opportunity for a hearing is required by

statute or constitutional right. RCW 34.05.413(2). When adjudicative proceedings are required, an application for the proceedings must be provided “whether or not the applicant expressly requests those proceedings.” RCW 34.05.413(4).

If the City had known about DRS’s determination, then it’s not only likely the City would have automatically reinstated Mr. Kilbourne per RCW 41.26.470(2), but if the City did not reinstate Mr. Kilbourne then Mr. Kilbourne would have had an opportunity for a hearing before the Everett Commission. Because DRS failed to inform the City of its determination, this process was never initiated which resulted in Mr. Kilbourne being denied due process.

Although some of these facts may be hypothetical scenarios, because this Court must assume the truth of alleged facts “as well as hypothetical facts” in the light most favorable to the non-moving party, and because Mr. Kilbourne never received a hearing on his reinstatement due to DRS’s failure to communicate its determination to his employer, the lower court’s ruling in favor of dismissal must be overturned. *Kumar v. Gate Gourmet Inc.*, 180 Wash.2d 481, 325 P.3d 193 (2014).

CONCLUSION

Based on the foregoing, Mr. Kilbourne requests this Court to overturn the lower court's ruling and issue a remand.

JENSEN MILNER | CAP CITY LAW PS

8-16-19

Date

A handwritten signature in blue ink, appearing to read "David P. Sisk", written over a horizontal line.

David P. Sisk, WSBA #48577

Jessica McKeegan Jensen, WSBA #29969

Attorneys for Appellants

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

KRIS BARRY KILBOURNE and
BRIGETTE LYNN KILBOURNE,
and the community thereof,

Appellants,

v.

WASHINGTON STATE
DEPARTMENT OF RETIREMENT
SYSTEMS,

Respondent.

Court of Appeals No. 53620-0-II
Thurston County No. 18-2-03935-34

DECLARATION OF SERVICE

I declare under the penalty of perjury under the laws of the State of Washington
that on August 16, 2019 I caused to be delivered a copy the following documents to
the individual listed in **Exhibit A**:

- Brief of Appellants
- Declaration of Service

DATED this 16 day of August, 2019 at Olympia, Washington.



David P. Sisk

EXHIBIT A

Office of the Attorney General
Attn: Debra B. Lefing
PO Box 40123
Olympia, WA 98504
debra.lefing@atg.wa.gov

☒ U.S. First Class Mail, postage prepaid
☐ Messenger
☐ Overnight Courier
☒ Electronically via email
☐ Facsimile

CAP CITY LAW PS

August 16, 2019 - 3:23 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53620-0
Appellate Court Case Title: Kris & Brigitte Kilbourne, Appellants v. Dept. of Retirement Systems, State of WA, Respondent
Superior Court Case Number: 18-2-03935-2

The following documents have been uploaded:

- 536200_Affidavit_Declaration_20190816151427D2450791_7098.pdf
This File Contains:
Affidavit/Declaration - Service
The Original File Name was Brief of Appellants.pdf
- 536200_Briefs_20190816151427D2450791_3677.pdf
This File Contains:
Briefs - Appellants
The Original File Name was DOS re Appellants Brief.pdf

A copy of the uploaded files will be sent to:

- REVOLyEF@atg.wa.gov
- debral@atg.wa.gov
- mily@capcitylawps.com

Comments:

Sender Name: Mily De La Portilla - Email: mily@capcitylawps.com

Filing on Behalf of: David Sisk - Email: david@capcitylawps.com (Alternate Email:)

Address:
2604 12th Ct. SW Suite B
Olympia, WA, 98502
Phone: (360) 705-1335

Note: The Filing Id is 20190816151427D2450791

CAP CITY LAW PS

August 16, 2019 - 3:23 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53620-0
Appellate Court Case Title: Kris & Brigitte Kilbourne, Appellants v. Dept. of Retirement Systems, State of WA, Respondent
Superior Court Case Number: 18-2-03935-2

The following documents have been uploaded:

- 536200_Affidavit_Declaration_20190816151427D2450791_7098.pdf
This File Contains:
Affidavit/Declaration - Service
The Original File Name was Brief of Appellants.pdf
- 536200_Briefs_20190816151427D2450791_3677.pdf
This File Contains:
Briefs - Appellants
The Original File Name was DOS re Appellants Brief.pdf

A copy of the uploaded files will be sent to:

- REVOLyEF@atg.wa.gov
- debral@atg.wa.gov
- mily@capcitylawps.com

Comments:

Sender Name: Mily De La Portilla - Email: mily@capcitylawps.com

Filing on Behalf of: David Sisk - Email: david@capcitylawps.com (Alternate Email:)

Address:
2604 12th Ct. SW Suite B
Olympia, WA, 98502
Phone: (360) 705-1335

Note: The Filing Id is 20190816151427D2450791